



Hamilton

STAFF COMMENTS

HEARING DATE: June 11, 2024

A-24:119 – 31 Cadwell Lane, Hamilton

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

The application is to facilitate the construction of a second storey deck to complement the existing condominium townhouse. Staff notes that the variances listed on the Notice of Public Hearing are incorrect.

The following variances were listed on the Notice of Public Hearing:

1. To permit a minimum front yard depth of 1.09 metres whereas the Stoney Creek zoning by-law requires a minimum front yard depth of 6.0 metres.
2. To permit a minimum front yard setback of 1.09 metres whereas the Hamilton zoning by-law requires a minimum front yard setback of 4.0 metres.
3. To permit a minimum side yard setback of 1.25 metres whereas the Hamilton zoning by-law requires a minimum side yard setback of 2.0 metres.

The following variance is requested:

2. To permit a maximum encroachment of 2.5 metres for a deck into the required rear yard; whereas the zoning by-law permits a maximum encroachment of 1.5 metres or to a maximum of half the distance of the yard, whichever is the lesser.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Institutional” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The lands are designated as “Institutional” in the Chedmac Secondary Plan of Volume 2 of the Urban Hamilton Official Plan.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Major Institutional “I3” District, which permits street townhouses.

Analysis

Variance 1

The applicant is proposing that a deck be permitted to encroach a maximum of 2.5 metres into a required rear yard instead of the requirement that a deck may encroach into a required yard to a maximum of 1.5 metres or to the maximum of half the distance of the required yard, whichever is the



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lesser. Staff are of the opinion that the proposed deck will enhance the amenity space within the rear yard, and there are other townhomes that have similar style decks throughout the neighbourhood. The porch will be more desirable and provide better functionality for the homeowners. The proposed deck does not impose any adverse impacts on abutting properties from a privacy and overlook perspective and the increase in the proposed encroachment is minor in nature.

Based on the foregoing, the requested variance maintains the general intent and purpose of the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200. The variance is considered to be minor in nature and desirable for the appropriate use of the property.

Zoning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>Please be advised that the incorrect notice was inadvertently circulated for this application.</p> <p>The applicant is requesting the following variance to Hamilton Zoning By-law 05-200, Section 4.6 d), so as to permit the construction of a second storey deck to complement the existing condominium townhouse.</p> <p>1. To permit a maximum encroachment of 2.5 metres for a deck, whereas the zoning by-law permits a maximum encroachment of 1.5 metres or to a maximum of half the distance of the yard, whichever is the lesser.</p> <p>Please note that these lands may be:</p> <ul style="list-style-type: none"> - Regulated by a Conservation Authority; - Located within or adjacent to an Environmentally Sensitive Area (ESA); - Designated under the Ontario Heritage Act; - Listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest; and/or, - Included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest. <p>Staff cannot confirm this information at this time and the applicant should make the appropriate inquiries in order to determine what other regulations may be applicable to the subject property.</p>
Proposed Notes:	

Cultural Heritage:

Recommendation:	No comments.
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Proposed Conditions:	
Comments:	
Proposed Notes:	

Natural Heritage:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Development Engineering:

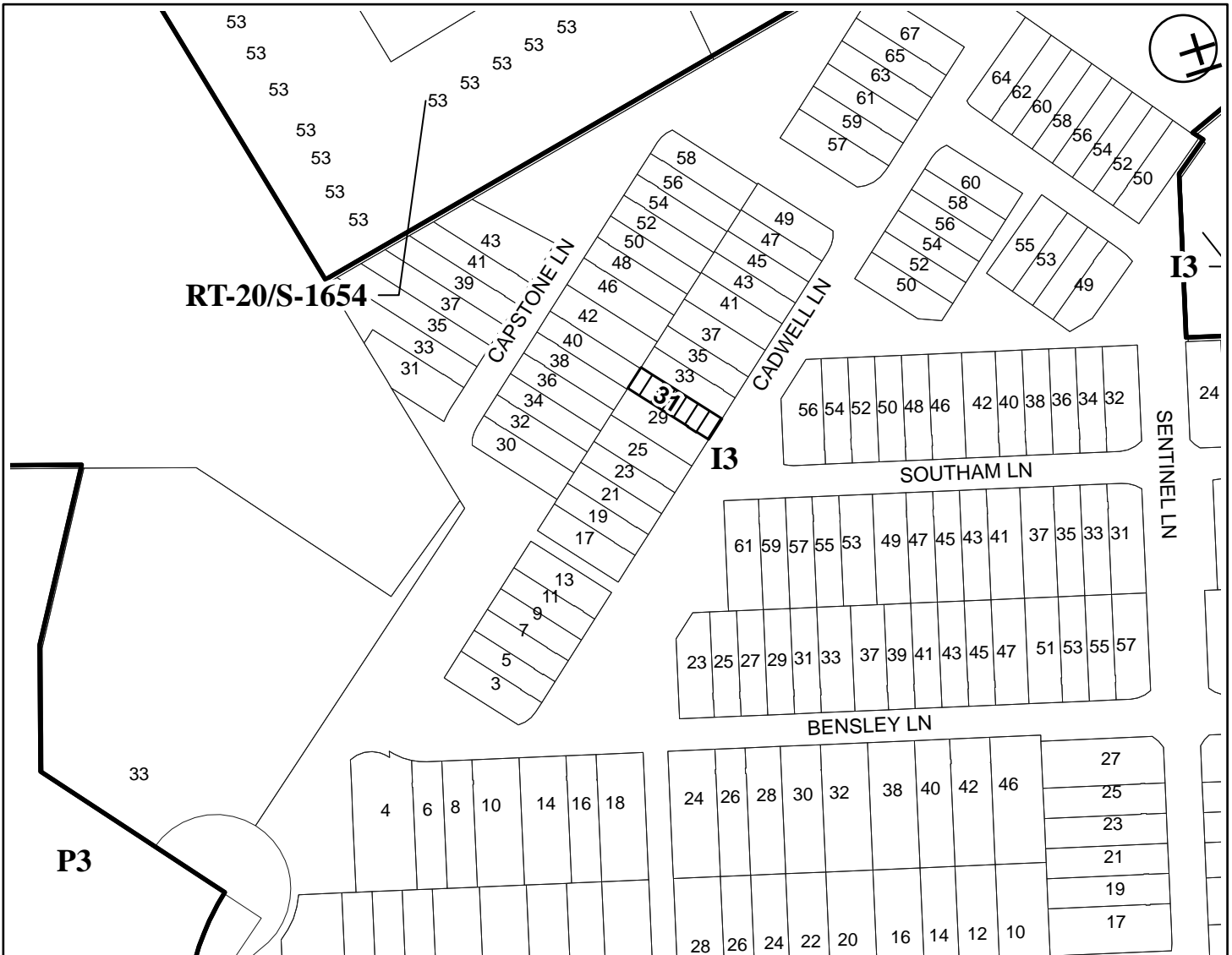
Recommendation:	No comments.
Proposed Conditions:	
Comments:	Provided the existing drainage pattern is maintained, Development Approvals has no comments.
Proposed Notes:	

Building Engineering:

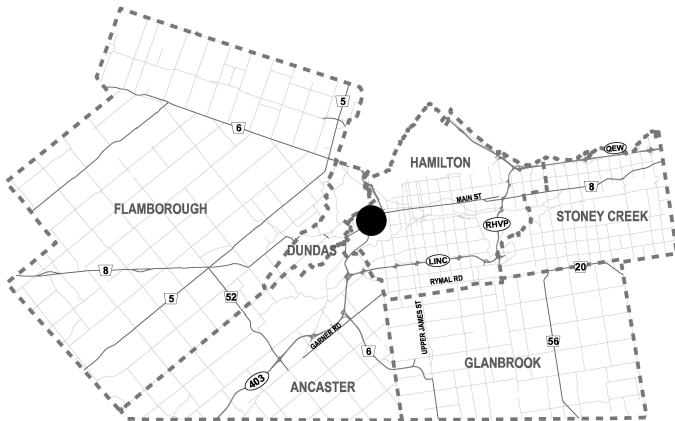
Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	A building permit is required for the construction of the proposed addition to the existing single-family dwelling. Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Proposed Notes:	



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



31 Cadwell Lane, Hamilton
(Ward 14)

File Name/Number:

A-24:119

Date:

May 31, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton